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    Attorneys for Interested Parties Klondike Point,
13 LLC; Stone Mountain, LLC; Corney Investors,
    LLC; and CFalls Investment, LLC
14

15   **UNITED STATES BANKRUPTCY COURT**

16   **FOR THE DISTRICT OF OREGON**

17 In re:

18
    Summit Accommodators, Inc., dba Summit   Case No. 08-37031 rld11
19 1031 Exchange
                                               Adv. Proc. No. 09-3086-rld
20   Debtor.

21
                                               [PROPOSED] ALTERNATIVE FORM OF
22 Kevin D. Padrick, Chapter 11 Trustee,   **ORDER ON TRUSTEE'S MOTION FOR**
                                               PARTIAL SUMMARY JUDGMENT
23   Plaintiff,   **REGARDING NINTH CLAIM FOR**
                                               RELIEF FOR TURNOVER PURSUANT
24 v.   **TO 11 U.S.C. § 542**

25
    Mark A. Neuman; Brian Stevens; Lane D. Lyons;
26 and Timothy Larkin,

27   Defendants.

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The Court, having been fully advised, therefore enters an Order as follows:

1.   Granting summary judgment in favor of the Trustee on his Ninth Claim for Relief for turnover pursuant to 11 U.S.C. § 542. All of the assets and property held by or in the name of the Shareholders, except for the Excluded Assets listed on the attached Exhibits 1, 2, 3 and 4 ("Subject Assets"), are hereby deemed property of Summit Accommodators, Inc. Pursuant to this Order, the Shareholders' interests in the Subject Assets are hereby turned over to the Trustee. The Subject Assets include, but are not limited to, any interest that the Shareholders have in the property and/or assets listed on the attached Exhibit 5. Consistent with this Order, the Subject Assets are deemed property of the estate pursuant to 11 U.S.C. §§ 363, 541, and 542, and the Trustee shall have the power to use, sell, lease, dispose of and otherwise exercise all rights of ownership in the Subject Assets ~~to the fullest extent allowed by~~ consistent with the requirements of applicable law. To the extent that there are pending or have been any sales or transfers of the Subject Assets, the proceeds from such sales or transfers are also property of the estate. This Order does not cause the turnover of any interests held by parties other than the Shareholders, and does not impair or affect in any manner the rights, interests, claims and remedies of such other parties, all of which rights, interests, claims and remedies are preserved fully and completely by such other parties. Notwithstanding anything to the contrary contained in this Order, this Order shall not amend, modify or affect in any manner the provisions of any contract or agreement to which any of the Subject Assets are subject, including, without limitation, the provisions of any limited liability company operating agreement or other organizational agreement to which the Subject Assets are subject.

1   Klondike Point, LLC, an Oregon limited liability company; Stone Mountain, LLC, an

2   Oregon limited liability company; CFalls Investment, LLC, an Oregon limited liability company;

3   and Corney Investors, LLC, an Oregon limited liability company hereby submit the proposed

4   alternative Paragraph 1 of the Order On Trustee's Motion For Partial Summary Judgment

5   Regarding Ninth Claim For Relief For Turnover Pursuant To 11 U.S.C. § 542, attached hereto as

6   Exhibit "1"and incorporated herein by this reference.

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                                                    Respectfully Submitted,
8
    DATED: May 1, 2009   **WINTHROP COUCHOT**
9   **PROFESSIONAL CORPORATION**

10

11   By:_____/s/ Robert E. Opera_____
                                                       Robert E. Opera
12   Attorneys for Interested Parties Klondike
                                                Point, LLC; Stone Mountain, LLC; Corney
13   Investors, LLC; and CFalls Investment, LLC

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EXHIBIT "1"